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15 and Teri Peterson*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

12 HAWKINS MARITAL TRUST, by and through  
13 its trustees, ROBERT N. CARRIKER, ARTHUR  
O. DUMMER and CRAIG A. KREISER.

14 Plaintiff,

15 | VS.

16 RANDOLPH PETERSON and TERI  
PETERSON and DOES I Through V, inclusive;

## Defendants

CASE NO.: 2:17-cv-00610

## **STIPULATION AND ORDER TO STAY**

Plaintiff HAWKINS MARITAL TRUST (“Plaintiff”), by and through its attorneys of record, ELLIS LAW, P.C., and Defendants RANDOLPH PETERSON and TERI PETERSON (“Defendants”), by and through their attorneys of record, Lewis Brisbois Bisgaard & Smith LLP, hereby agree as follows:

24       1. On November 23, 2016, Plaintiff filed suit against Defendants in the Eighth  
25 Judicial District Court, Clark County, State of Nevada, Case No. A-16-747122-C. The Plaintiff  
26 seeks to obtain judgments from Defendants related to two parcels of real property located in Clark  
27 County, Nevada.

28 2. Subsequently, on February 24, 2017, Defendants removed this matter to Federal

1 Court. [Doc. 1].

2       3. On March 3, 2017, Defendants filed their Motion to Dismiss Plaintiff's Complaint  
 3 [Doc. 7]. Plaintiff filed an Opposition on March 17, 2017 [Doc. 8].

4       4. This case is at the initial pleading stage so there will be no prejudice or disruption  
 5 to the proceedings by staying this matter at this early stage. In addition, no other parties are  
 6 involved in this case and all of the parties in the case agree to staying discovery. As such, this stay  
 7 will not prejudice any other party and it will avoid unnecessary expense to the parties appearing in  
 8 this case.

9       5. A district court has "wide discretion in controlling discovery," and its decision will  
 10 not be overturned absent a clear abuse of discretion. Little v. City of Seattle, 863 F.2d 681, 685  
 11 (9th Cir. 1988). A stay of discovery "furthers the goal of efficiency for the court and litigants." Id.  
 12 at 685. "In exercising [its] discretion, a court may relieve a party of the burdens of discovery  
 13 while a potentially dispositive motion is pending." Kuzova v. U.S. Dep't of Homeland Sec., No.  
 14 10-01711, 2011 WL 3422777, at \*1 (D. Nev. Aug. 3, 2011) (citing Turner Broadcasting Sys. v.  
 15 Tracinda Corp., 175 F.R.D. 554, 555-56 (D. Nev. 1997)).

16       6. A stay of the action pending the resolution of Defendants' Motion to Dismiss  
 17 Plaintiff's Complaint would be prudent and most economical for the parties. See Irish v. U.S.,  
 18 2015 WL 557075 (D. Nev., February 10, 2015).

19       As such, the parties stipulate as follows:

20       1. That this action be stayed until the Court has ruled on Defendants' Motion to  
 21 Dismiss Plaintiff's Complaint.

22       2. The stay shall include all current deadlines, including discovery deadlines. Any  
 23 outstanding discovery deadlines shall be stayed as indicated above.

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1       3. Within 30 days after a ruling on Defendants' Motion to Dismiss Plaintiff's  
2 Complaint, the parties will, as necessary: (1) submit a Stipulation and Order reflecting resolution  
3 of either or all of the claims and/or (2) reconvene pursuant to LR 26-1 to prepare an updated  
4 Discovery Plan and Scheduling Order for the Court's approval.

5  
6 DATED: March 20, 2017

7 LEWIS BRISBOIS BISGAARD  
8 & SMITH LLP

DATED: March 20, 2017

ELLIS LAW, P.C.

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14 Attorneys for Defendants

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Attorneys for Plaintiff

15 IT IS SO ORDERED.

16 **ORDER**



17 **UNITED STATES MAGISTRATE JUDGE**

18 DATED: 3-21-2017